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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,172	12/11/2003	Robert A. Janssen	SSK-51 (19354)	5946
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DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			EXAMINER MARCETICH, ADAM M	
			ART UNIT 3761	PAPER NUMBER
			MAIL DATE 12/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/733,172	Applicant(s) JANSSEN ET AL.	
	Examiner Adam Marcetich	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-10,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-10,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 18 June 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The number "0118837" referring to US Patent Application Publication No. 0118837 to Modha et al. appears to be incorrect.

Response to Amendment

2. The objection to the oath or declaration due to formalities mailed 24 May 2007 is withdrawn.
3. The double patenting rejections mailed 24 May 2007 have been withdrawn in view of the amendments filed 24 October 2007.

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-3 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Stockum (US Patent 4,853,978).

8. Regarding claim 1, Stockum discloses an elastomeric glove comprising a substrate made of elastomeric material, an inner and outer surface and a coating overlaying the inner surface (column 1, lines 44-51). Stockum discloses examples of the coating comprising a crosslinked hydrogel network (column 3, lines 3-8, "cross-linked cornstarch" and column 4, lines 4-22, "carboxylated styrene butadiene lattices" in lines 18-19). Copolymers having an abundance of hydrophilic groups are capable of forming hydrogels.

Stockum discloses an elastomeric glove wherein an active agent comprises a skin-conditioner (column 5, lines 57-59, amphoterge SB amphoteric surfactant capable of acting as skin-conditioner);

wherein said hydrogel network is formed from one or more polymers, at least one of said polymers being formed from at least one monomer that is hydrophilic and water-soluble (column 4, lines 4-22, "carboxylated styrene butadiene lattices" in lines 18-19. a carboxylated monomer is naturally expected to be hydrophilic and water-soluble); and

wherein a monomer is selected from the group consisting of vinyl pyrrolidones, hydroxyethyl acrylates, hydroxyethyl methacrylates, hydroxypropyl acrylates, hydroxypropyl methacrylates, acrylic acids, methacrylic acids, acrylic esters, methacrylic esters, vinyl pyridines, acrylamides, vinyl alcohols, ethylene oxides, derivatives thereof, and combinations thereof (column 4, line 20, vinyl acrylate lattices as a combination of acrylic acids and vinyl alcohols).

Stockum further discloses an active agent, which is capable of benefiting the user and is releasable from the network when the coating is contacted with an aqueous environment (column 3, lines 3-8).

9. Regarding claims 2 and 3, Stockum discloses embodiments having a glove formed from natural rubber latex (column 4, line 58; column 5, lines 10 and 26-27).

10. Regarding claim 7, Stockum discloses forming a coating layer with carboxylated styrene butadiene lattices as discussed in paragraph 8 above. Due to their high molecular weight and large size, these polymers are substantially insoluble in water.

Claim Rejections - 35 USC § 103

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. Claims 8-10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stockum.

13. Regarding claims 8-10, Stockum discloses a crosslinked hydrogel comprising carboxylated styrene butadiene lattices as discussed in paragraph 8 above. The property of hydrogel water content is dependent on the relative number of carboxyl groups in the hydrogel, making it a result-effective variable, subject to experimentation and testing. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust the relative number of carboxyl groups in order to form a hydrogel capable of retaining an appropriate amount of water away from a wearer's skin. See MPEP 2144.05(II)(A,B).

14. Regarding claim 15, Stockum discloses an absorbent article as discussed in paragraph 8 above. Stockum is silent with respect to the coating mass percentage applied to the gloves. The property of coating mass percentage is a result-effective variable, subject to experimentation and testing. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust the amount of coating applied to the glove in order to provide an acceptable amount of treatment material for the wearer. See MPEP 2144.05(II)(A,B).

15. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stockum in view of Chou (US Patent 6,630,152).

16. Regarding claim 14, Stockum discloses an absorbent article as discussed in paragraph 8 above. Stockum is silent with respect to the coating thickness. Chou discloses a coating of about 0.01 mm, or 10 μm in thickness (column 4, lines 2-4). Chou demonstrates this value as being effective for providing a useful amount of treatment

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material to the wearer. The property of coating thickness is a result-effective variable, subject to experimentation and testing. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust the coating thickness in order to provide an acceptable amount of treatment material for the wearer. See MPEP 2144.05(II)(A,B).

17. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter (European Patent EP 0 455 323 A2) in view of Chou (US Patent 6,630,152).

18. Regarding claim 1, Potter discloses an elastomeric glove comprising a substrate made of elastomeric material (rubber latex on p. 3, lines. 16-17), having a coating overlaying the inner surface (coating in hydrogel polymer solution, p. 3, lines. 19-24), the coating comprising a crosslinked hydrogel network (2-hydroxyethyl methacrylate (HEMA) and methacrylic acid (MAA) on p. 3, l. 21), and active agent (cetyl pyridinium chloride (CPC), p. 3, l. 24). Rubber gloves by nature have both inner and outer surfaces. The agent is capable of imparting a benefit to the user and is releasable from the network when the coating is contacted with an aqueous environment (inhibiting bacterial growth on skin, p. 3, lines. 5-8).

Potter discloses a hydrogel network formed from one or more polymers, at least one of said polymers being formed from at least one monomer that is hydrophilic and water-soluble (HEMA containing hydroxyl group and therefore capable of being hydrophilic and water-soluble); and

wherein said monomer is selected from the group consisting of vinyl pyrrolidones, hydroxyethyl acrylates, hydroxyethyl methacrylates, hydroxypropyl acrylates, hydroxypropyl methacrylates, acrylic acids, methacrylic acids, acrylic esters, methacrylic esters, vinyl pyridines, acrylamides, vinyl alcohols, ethylene oxides, derivatives thereof, and combinations thereof (2-hydroxyethyl methacrylate (HEMA) and methacrylic acid (MAA) on p. 3, l. 21).

Potter discloses the invention as substantially claimed. See above. However, Potter lacks an active agent comprising a skin-conditioner as claimed [claim 1]. Chou discloses an active agent comprising a skin-conditioner (column 2, lines 9-13 and column 3, lines 24-27, Aloe Vera). Chou solves the problem of providing a skin treatment for the wearer of a glove, which is releasable in an aqueous environment (column 3, lines 62-64). Chou further discloses a need for low-cost disposable gloves able to deliver moisturizing or therapeutic substances without a greasy feel (column 2, lines 3-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the invention of Potter as discussed with the Aloe Vera of Chou in order to condition skin without leaving a greasy feel. Additionally, Aloe Vera provides a low-cost moisturizer.

19. Regarding claim 6, Potter discloses the use of 2-hydroxyethyl methacrylate (HEMA) as discussed in paragraph 18 above.

Response to Arguments

18. Applicant's arguments filed 24 October 2007 have been fully considered but they are not persuasive.

19. Applicant asserts that the rejections in view of Stockum are moot, since claim 1 has been amended. Examiner notes that Stockum discloses all the limitations as amended. Regarding rationale and motivation, see discussion of claim 1 above.

20. Applicant's arguments with respect to claims 1 and 6 as rejected in view of Potter have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Marcetich whose telephone number is 571-272-2590. The examiner can normally be reached on 8:00am to 4:00pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Adam Marcetich
Examiner
Art Unit 3761

Adam Marcetich

AMM

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

Tatyana Zalukaeva